

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 14353 of 1993

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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VAGHELA KIRANKUMAR N.

Versus

STATE OF GUJARAT

Appearance:

MR HJ NANAVATI for Petitioner

GOVERNMENT PLEADER for Respondent No. 1

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 04/09/96

ORAL JUDGEMENT

The petitioner pursuant to the advertisement dated 27th September, 1989 had applied for the post of Primary Teacher. Pursuant to the said application, the petitioner was selected and placed on the merit list at serial No. 1193. The petitioner has submitted that the said Select List was prepared in the year 1989. The petitioner has filed this petition in the year 1993 claiming that the persons at serial No. 1197 and 1200 on the said Select List have been offered appointment, while the petitioner who is far above said two persons on the Select List has not been offered such appointment. The petitioner, therefore, has filed this petition and has claimed right to appointment as Primary Teacher under the respondent-Panchayat.

2. Upon enquiry, Mr. Nanavati has informed that the respondent-Panchayat had published an advertisement for selection of Primary Teachers on 2nd January, 1992 and pursuant to that advertisement and the applications received from the eligible candidates, a Select List has been prepared in the year 1992. Rule 14 of Gujarat

Panchayat Service (Recruitment of Primary Teachers) Rules, 1970 provides, inter alia, that the Select List prepared in May shall lapse as soon as the select list prepared in October next is finalised and the select list prepared in October shall lapse as soon as the select list prepared next is finalised. It appears that schedule for preparation of select list as provided in the aforesaid rules has not been strictly adhered to by the respondent-Panchayat. However, in view of the provisions contained in the above referred Rule 14, it must be held that once a select list for appointment of Primary Teachers is prepared, as provided under the aforesaid rules, the select list prepared earlier shall lapse. In the present case, on preparation of the select list for appointment to the post of Primary Teachers in the year 1992, the select list earlier prepared in the year 1989 stood lapsed. the petitioner has approached this court in the year 1993 after the select list on which he had found place had expired as aforesaid. The respondents cannot now be directed to operate a select list which has expired long ago. I, therefore, do not consider it just and proper to grant any relief to the petitioner herein. The petition is, therefore, summarily rejected.

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